

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MD MATRIX HEALTH, L.L.C., §
MD MATRIX HEALTH, INC., §
JOSEPH F. MCWHERTER, and §
UZZI REISS, §
§
Plaintiffs, §
§
V. § CASE NO. 4:12cv476
§ Judge Clark/Judge Mazzant
JAMES L. KASLE, SANDRA EDELMAN, §
KELLY KASLE, and HEAL-IT HEALTH, INC., §
§
Defendants. §

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 5, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion to Remand [Doc. #9] be denied because removal was proper. However, the Magistrate Judge further recommended that the declaratory judgment claim on the proper inventor should be dismissed without prejudice and the remaining claims remanded to the 401st District Court of Collin County, Texas.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Plaintiffs' Motion to Remand [Doc. #9] is DENIED.

It is further **ORDERED** that the declaratory judgment claim on the proper inventor is dismissed without prejudice.

It is further **ORDERED** that the remaining claims are remanded to the 401st District Court of Collin County, Texas.

The Clerk is directed to CLOSE this civil action.

So **ORDERED** and **SIGNED** this **10** day of **December, 2012**.



Ron Clark, United States District Judge